

UNITED STATES DISTRICT COURT

for the
District of Nebraska**SEALED**In the Matter of the Search of
(Briefly describe the property to be searched
or identify the person by name and address)1815 West 11th Street
Hastings, NE

See Attachment "A" for further description

Case No. 8:14MJ54

APPLICATION FOR A SEARCH WARRANT

I, a federal law enforcement officer or an attorney for the government, request a search warrant and state under penalty of perjury that I have reason to believe that on the following person or property (identify the person or describe the property to be searched and give its location):

1815 West 11th Street, Hastings, NE, See Attachment "A" for further description.

located in the _____ District of _____ Nebraska _____, there is now concealed (identify the person or describe the property to be seized):

See Attachment "B"

The basis for the search under Fed. R. Crim. P. 41(c) is (check one or more):

- ☒ evidence of a crime;
- ☒ contraband, fruits of crime, or other items illegally possessed;
- ☒ property designed for use, intended for use, or used in committing a crime;
- ☐ a person to be arrested or a person who is unlawfully restrained.

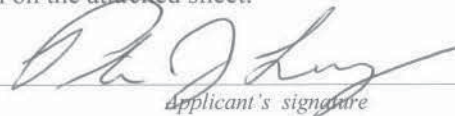
The search is related to a violation of:

Code Section	Offense Description
Title 18, Sections 2251, 2252, & 2252A	child pornography: transportation, production, receipt & distribution, possession

The application is based on these facts:

See affidavit of Philip Lenz, attached and incorporated herein.

- ☒ Continued on the attached sheet.
- ☐ Delayed notice of _____ days (give exact ending date if more than 30 days: _____) is requested under 18 U.S.C. § 3103a, the basis of which is set forth on the attached sheet.



Applicant's signature

PHILIP LENZ, Special Agent

Printed name and title

Date: March 4, 2014.

City and state: Lincoln, Nebraska



Cheryl R. Zwart, United States Magistrate Judge

ATTACHMENT A

1815 West 11th Street, Hastings, Adams County, Nebraska 68901 is described as a white colored single story residence with a two car attached garage. The numbers 1815 are displayed on the front of the residence to the right of the front door. A chain link fence mixed with some wood fence surrounds the sides and back of the residence. There is a small shed located behind the garage. The legal description from the Adams County Assessor's website is: "1598.00-PT LT7 & ALL LT 8 AS DESC DB164 P209 HILL TOP ACRES ADD BLK 3".



ATTACHMENT B

1. All visual depictions, including still images, videos, films or other recordings of child pornography or minors engaged in sexually explicit conduct, as defined in Title 18, United States Code, Section 2256, and any mechanism used for the receipt or storage of the same, including but not limited to:

2. Any computer, computer system and related peripherals, including data processing devices and software (including but not limited to central processing units; internal and peripheral storage devices such as fixed disks, external hard drives, floppy disk drives and diskettes, routers, computer compact disks, CD-ROMS, DVD, usb storage devices and flash memory storage devices, and other memory storage devices); peripheral input/output devices (including but not limited to keyboards, printer, video display monitors, scanners, digital cameras, and related communications devices such as cables and connections), as well as any devices, mechanisms, or parts that can be used to restrict access to computer hardware (including but not limited to physical keys and locks).

3. Any and all computer passwords and other data security devices designed to restrict access to or hide computer software, documentation, or data. Data security devices may consist of hardware, software, or other programming code.

4. Any and all documents, records, emails, and internet history (in documentary or electronic form) pertaining to the possession, receipt or distribution of child pornography or visual depictions of minors engaged in sexually explicit conduct, as defined in Title 18, United States Code, Section 2256, or pertaining to an interest in child pornography whether transmitted or received.

5. Any and all records, documents, invoices, notes and materials that pertain to accounts with any Internet Service Provider, as well as any and all records relating to the ownership or use of computer equipment found in the residence.

6. Documents and records regarding the ownership and/or possession of the searched premises.

7. Items observed in the images described in the body of this Affidavit.

8. During the course of the search, photographs of the searched premises may also be taken to record the condition thereof and/or the location of items therein.

9. If a determination is made during the search that items listed in Sections 1-8 are contained in the detached garage associated with the premise described in Attachment A, it will be necessary for investigators and/or assisting agents to search the detached garage to search and seize evidence listed in Sections 1-8.

10. If a determination is made during the search that items listed in Sections 1-8 are contained in motor vehicles and/or trailers registered to James Gustafson, David Gustafson, Tony Gustafson and/or any individual determined, through the course of the investigation, to be involved the activity listed in the affidavit on or near the searched premise, to include but not limited to the public street near the searched premise, it will be necessary for investigators and/or assisting agents to search the motor vehicles and/or trailers to search and seize evidence listed in Sections 1-8.

AFFIDAVIT OF PHILIP LENZ

I, Philip Lenz, being duly sworn, hereby depose and say:

1. I have been employed as a Special Agent (SA) of the Federal Bureau of Investigation (FBI) since February of 2003, and I am currently assigned to the Grand Island Resident Agency of the Omaha Division. While employed by the FBI, I have investigated federal criminal violations related to high technology or cyber crime, child exploitation, and child pornography, including violations pertaining to the production, distribution, receipt and possession of child pornography, in violation of 18 U.S.C. §§ 2252(a) and 2252A.

2. As a federal agent, I am authorized to investigate violations of United States laws and to execute warrants issued under the authority of the United States. I am a Special Agent with eleven years of experience in law enforcement with the Federal Bureau of Investigation. As a Special Agent in a Resident Agency, I have investigated a variety of federal crimes to include Child Pornography. I have gained experience through working these investigations and working with Special Agents assigned to the Child Exploitation Task Force of the Omaha Division. I have a Bachelor's Degree in Engineering Management. I have conducted over thirty search warrants and I am a member of the Omaha Division's Evidence Response Team. I have had the

opportunity to observe and review numerous examples of child pornography (as defined in 18 U.S.C. 2256) in all forms of media including computer media. I am currently working with SA Kevin Damuth with the FBI in Salt Lake City Division, Helena Resident Agency regarding a child pornography investigation. I have received hands-on FBI training in both the investigation of computer and computer related crimes and crimes involving the sexual exploitation of children.

3. I am investigating the activities of an Internet service account registered to James Gustafson, 1815 W. 11th Street, Hastings, Nebraska 68901. As will be shown below, there is probable cause to believe that a computer using an Internet service account registered to James Gustafson at the location listed in Attachment A has accessed, produced, received, possessed, or distributed child pornography, in violation of 18 U.S.C. §§ 2251 and 2252.

4. I submit this Application and Affidavit in support of a search warrant authorizing a search of the location listed in Attachment A. Located within the premises to be searched, I seek to seize all items listed in Attachment B as evidence, fruits, and instrumentalities of the forgoing criminal violations, which relate to the knowing production, transportation, shipment, receipt, possession, distribution, and reproduction of child

pornography. I request authority to search the entire premises, including the residential dwelling, any detached storage space, locked containers, any computer and computer media located therein, where the items specified in Attachment B may be found, and to seize all items listed in Attachment B as instrumentalities, fruits, and evidence of crime.

5. The statements in this Affidavit are based in part on information provided by SA Damuth, other law enforcement officers, and my investigation of this matter. Since this Affidavit is being submitted for the limited purpose of securing a search warrant, I have not included each and every fact known to me concerning this investigation. I have set forth only the facts that I believe are necessary to establish probable cause to believe that evidence, fruits, and instrumentalities of violations of 18 U.S.C. §§ 2251 and 2252 are presently located at the location described in Attachment A.

STATUTORY AUTHORITY

6. This investigation concerns alleged violations of 18 U.S.C. § 2251, relating to the sexual exploitation of children, and 18 U.S.C. § 2252, relating to material involving the sexual exploitation of minors.

a. 18 U.S.C. § 2251(a) prohibits a person from employing, using, persuading, inducing, enticing, or coercing

any minor to engage in, or having a minor assist any other person to engage in, or transporting any minor in or affecting interstate or foreign commerce, or in any Territory or Possession of the United States, with the intent that such minor engage in, any sexually explicit conduct for the purpose of producing any visual depiction of such conduct or for the purpose of transmitting a live visual depiction of such conduct.

b. 18 U.S.C. § 2252(a)(1) prohibits knowingly transporting or shipping using any means or facility of interstate or foreign commerce or in or affecting interstate or foreign commerce by any means including by computer or mail, any visual depiction, if the producing of such visual depiction involves the use of a minor engaging in sexually explicit conduct and such visual depiction is of such conduct.

c. 18 U.S.C. § 2252(a)(2) prohibits knowingly receiving or distributing any visual depiction using any means or facility of interstate or foreign commerce or that has been mailed, or has been shipped or transported in or affecting interstate or foreign commerce, or which contains materials which have been mailed or so shipped or transported, by any means including by computer, if the producing of such visual depiction involves the use of a minor engaging in sexually explicit conduct and such visual depiction is of such conduct.

That section also prohibits knowingly reproducing any such visual depiction for distribution using any means or facility of interstate or foreign commerce or in or affecting interstate or foreign commerce.

d. 18 U.S.C. § 2252(a)(4) prohibits knowingly possessing one or more books, magazines, periodicals, films, video tapes, or other matter which contain any visual depiction that has been mailed, or has been shipped or transported using any means or facility of interstate or foreign commerce, or in or affecting interstate or foreign commerce, or which was produced using materials which have been mailed or so shipped or transported, by any means including by computer, if the producing of such visual depiction involves the use of a minor engaging in sexually explicit conduct and such visual depiction is of such conduct.

DEFINITIONS

7. The following definitions apply to this Affidavit and Attachment B:

a. "Child Erotica" means materials or items that are sexually arousing to persons having a sexual interest in minors but that are not necessarily, in and of themselves, obscene or that do not necessarily depict minors in sexually explicit poses or positions.

b. "Child Pornography" includes any visual depiction of sexually explicit conduct where (a) the production of the visual depiction involved the use of a minor engaged in sexually explicit conduct; (b) the visual depiction was a digital image, computer image, or computer generated image that is, or is indistinguishable from, that of a minor engaged in sexually explicit conduct; or (c) the visual depiction has been created, adapted, or modified to appear that an identifiable minor is engaged in sexually explicit conduct. See 18 U.S.C. § 2256(8).

c. "Computer" refers to "an electronic, magnetic, optical, electrochemical, or other high speed data processing device performing logical or storage functions, and includes any data storage facility or communications facility directly related to or operating in conjunction with such device." See 18 U.S.C. § 1030(e)(1).

d. "Computer hardware" consists of all equipment that can receive, capture, collect, analyze, create, display, convert, store, conceal, or transmit electronic, magnetic, or similar computer impulses or data. Computer hardware includes any data processing devices (including, but not limited to, central processing units, internal and peripheral storage devices such as fixed disks, external hard drives, floppy disk drives and diskettes, and other memory storage devices);

peripheral input/output devices (including, but not limited to, keyboards, printers, video display monitors, and related communications devices such as cables and connections); as well as any devices, mechanisms, or parts that can be used to restrict access to computer hardware (including, but not limited to, physical keys and locks).

e. "Computer passwords and data security devices" consist of information or items designed to restrict access to or hide computer software, documentation, or data. Data security devices may consist of hardware, software, or other programming code. A password (a string of alpha numeric characters) usually operates what might be termed a digital key to "unlock" particular data security devices. Data security hardware may include encryption devices, chips, and circuit boards. Data security software of digital code may include programming code that creates "test" keys or "hot" keys, which perform certain pre set security functions when touched. Data security software or code may also encrypt, compress, hide, or "booby trap" protected data to make it inaccessible or unusable, as well as reverse the progress to restore it.

f. "Computer related documentation" consists of written, recorded, printed, or electronically stored material

that explains or illustrates how to configure or use computer hardware, computer software, or other related items.

g. "Computer software" is digital information that can be interpreted by a computer and any of its related components to direct the way it works. Computer software is stored in electronic, magnetic, or other digital form. It commonly includes programs to run operating systems, applications, and utilities.

h. "Internet Protocol address" or "IP address" refers to a unique number used by a computer to access the Internet. IP addresses can be dynamic, meaning that the Internet Service Provider (ISP) assigns a different unique number to a computer every time it accesses the Internet. IP addresses might also be static, if an ISP assigns a user's computer a particular IP address that is used each time the computer accesses the Internet.

i. "Media Access Control address" or "MAC address" refers to a unique code assigned to every piece of hardware that connects to the Internet including Internet capable phones, Network Interface Cards for desktop or notebook computers, and Wireless Access Cards. When a manufacturer creates a network capable piece of hardware they will assign the MAC address which will usually begin with a code that is tied to the manufacturer.

The MAC address will be unique to every device, even two devices of the same type. A device's MAC address is composed of six pairs of hexadecimal numbers. The numbers are separated by colons as in the following example: 6E:51:F5:c1:11:00. A MAC address is similar to an IP address in that it ensures each device is unique and allows data to be passed among hardware devices. The MAC address is used to ensure that each device connected to a network is unique.

j. "Minor" means any person under the age of 18 years. See 18 U.S.C. § 2256(1).

k. "Online Digital Storage Account", also known as "Cloud Storage" is a service model in which data is accessed, produced, received, uploaded, possessed, distributed, maintained, managed and backed up remotely and made available to users over a network (typically the Internet). Cloud Storage is a model of networked online storage where data is stored by a hosting third party company. Hosting companies operate large data centers, and people who require their data to be hosted buy or lease storage capacity from them usually for a monthly or yearly service fee. Other types of online digital storage accounts offer a limited amount of disk space free of charge. The data center operators, in the background, manage the computer software and hardware resources according to the

requirements of the customer, which allows the customers to store digital files or data objects. Physically, the online digital storage accounts may span across multiple servers across multiple geographic locations. Online digital storage accounts allow digital media to be shared with or without passwords to someone with Internet access and a web browser, cloud storage gateway or a web-based user interface. Cloud Storage is an easy-to-use interface that allows a user to organize digital media and access it from all over the world, at any time.

l. "Sexually explicit conduct" applies to visual depictions that involve the use of a minor, see 18 U.S.C. § 2256(8)(A), or that have been created, adapted, or modified to appear to depict an identifiable minor, see 18 U.S.C. § 2256(8). In those contexts, the term refers to actual or simulated (a) sexual intercourse (including genital genital, oral genital, or oral anal), whether between persons of the same or opposite sex; (b) bestiality; (c) masturbation; (d) sadistic or masochistic abuse; or (e) lascivious exhibition of the genitals or pubic areas of any person. See 18 U.S.C. § 2256(2)(A).

m. "Visual depictions" include undeveloped film and videotape, and data stored on computer disk or by electronic means, which is capable of conversion into a visual image. See 18 U.S.C. § 2256(5).

n. The terms "records," "documents," and "materials" include all information recorded in any form, visual or aural, and by any means, whether in handmade form (including, but not limited to, writings, drawings, painting), photographic form (including, but not limited to, microfilm, microfiche, prints, slides, negatives, videotapes, motion pictures, photocopies); mechanical form (including, but not limited to, phonograph records, printing, typing); or electrical, electronic or magnetic form (including, but not limited to, tape recordings, cassettes, compact discs, electronic or magnetic storage devices such as floppy diskettes, hard disks, CD ROMs, digital video disks ("DVDs"), Personal Digital Assistants ("PDAs"), Multi Media Cards ("MMCs"), memory sticks, optical disks, printer buffers, smart cards, memory calculators, electronic dialers, Bernoulli drives, or electronic notebooks, as well as digital data files and printouts or readouts from any magnetic, electrical or electronic storage device).

BACKGROUND ON COMPUTERS AND CHILD PORNOGRAPHY

8. Based on my knowledge, training, and experience in child exploitation and child pornography investigations, and the experience and training of other law enforcement officers with whom I have had discussions, computers, computer

technology, and the Internet have revolutionized the manner in which child pornography is produced and distributed.

9. Computers basically serve five functions in connection with child pornography: production, communication, distribution, storage, and viewing.

10. Child pornographers can transpose photographic images from a camera into a computer readable format with a scanner. With digital cameras, the images can be transferred directly onto a computer. A modem allows any computer to connect to another computer through the use of telephone, cable, or wireless connection. Through the Internet, electronic contact can be made to literally millions of computers around the world.

11. The computer's ability to store images in digital form makes the computer itself an ideal repository for child pornography. The size of the electronic storage media (commonly referred to as the hard drive) used in home computers has grown tremendously within the last several years. These drives can store thousands of images at very high resolution.

12. The Internet affords collectors of child pornography several different venues for obtaining, viewing and trading child pornography in a relatively secure and anonymous fashion.

13. Collectors and distributors of child pornography also use online resources to retrieve and store child pornography, including services offered by Internet Portals such as Yahoo!, Hotmail, and myDrive, among others. The online services allow a user to set up an account with a remote computing service that provides e-mail services as well as electronic storage of computer files in any variety of formats. A user can set up an online storage account from any computer with access to the Internet. Evidence of such online storage of child pornography is often found on the user's computer. Even in cases where online storage is used, however, evidence of child pornography can be found on the user's computer in most cases.

14. As with most digital technology, communications made from a computer are often saved or stored on that computer. Storing this information can be intentional, for example, by saving an email as a file on the computer or saving the location of one's favorite websites in "bookmarked" files. Digital information can also be retained unintentionally. Traces of the path of an electronic communication may be automatically stored in many places, such as temporary files or ISP client software, among others. In addition to electronic communications, a computer user's Internet activities generally leave traces in a

computer's web cache and Internet history files. A forensic examiner often can recover evidence that shows this activity and when the computer was sharing files, and all or some of the files that were uploaded or downloaded. Such information is often maintained indefinitely until overwritten by other data.

SPECIFICS OF SEARCH AND SEIZURE OF COMPUTER SYSTEMS

15. Searches and seizures of evidence from computers commonly require agents to download or copy information from the computers and their components, or seize most or all computer items (computer hardware, computer software, and computer related documentation) to be processed later by a qualified computer expert in a laboratory or other controlled environment. This is almost always true because of the following two reasons:

a. Computer storage devices (like hard disks, diskettes, tapes, laser disks, magneto opticals, and others) can store the equivalent of thousands of pages of information. Especially when the user wants to conceal criminal evidence, he or she often stores it in random order with deceptive file names. This requires searching authorities to examine all the stored data that is available in order to determine whether it is included in the warrant that authorizes the search. This sorting process can take days or weeks, depending on the volume

of data stored, and is generally difficult to accomplish on site.

b. Searching computer systems for criminal evidence is a highly technical process requiring expert skill and a properly controlled environment. The vast array of computer hardware and software available requires even computer experts to specialize in some systems and applications, so it is difficult to know before a search which expert should analyze the system and its data. The search of a computer system is an exacting scientific procedure that is designed to protect the integrity of the evidence and to recover even hidden, erased, compressed, password protected, or encrypted files. Since computer evidence is extremely vulnerable to tampering or destruction (which may be caused by malicious code or normal activities of an operating system), the controlled environment of a laboratory is essential to its complete and accurate analysis.

16. In order to fully retrieve data from a computer system, the analyst needs all storage devices as well as the central processing unit (CPU). In cases involving child pornography where the evidence consists partly of graphics files, the monitor(s) may be essential for a thorough and efficient search due to software and hardware configuration

issues. In addition, the analyst needs all the system software (operating systems or interfaces, and hardware drivers) and any applications software which may have been used to create the data (whether stored on hard drives or on external media).

17. Furthermore, because there is probable cause to believe that the computer and its storage devices are all instrumentalities of crimes, within the meaning of 18 U.S.C. §§ 2251 through 2256, they should all be seized as such.

SEARCH METHODOLOGY TO BE EMPLOYED

18. The search procedure of electronic data contained in computer hardware, computer software, and/or memory storage devices may include the following techniques (the following is a non exclusive list, as other search procedures may be used):

a. examination of all of the data contained in such computer hardware, computer software, or memory storage devices to view the data and determine whether that data falls within the items to be seized as set forth herein;

b. searching for and attempting to recover any deleted, hidden, or encrypted data to determine whether that data falls within the list of items to be seized as set forth herein (any data that is encrypted and unreadable will not be returned unless law enforcement personnel have determined that the data is not (1) an instrumentality of the offenses, (2) a

fruit of the criminal activity, (3) contraband, (4) otherwise unlawfully possessed, or (5) evidence of the offenses specified above);

c. surveying various file directories and the individual files they contain;

d. opening files in order to determine their contents;

e. scanning storage areas;

f. performing key word searches through all electronic storage areas to determine whether occurrences of language contained in such storage areas exist that are likely to appear in the evidence described in Attachment B; and

g. performing any other data analysis technique that may be necessary to locate and retrieve the evidence described in Attachment B.

ONLINE BULLETIN BOARDS

19. One method used by people actively looking to find and trade child pornography is the use of a web based Bulletin Board (BB). A BB serves as an online venue through which individuals, normally referred to as subscribers or members, can communicate with each other. In order to access a web based bulletin board, an individual normally only needs access to the Internet, a web

browser, such as Internet Explorer or Firefox, and possibly an account on the bulletin board.

20. The requirements to become a member or a subscriber to a BB are extremely varied and are usually under the sole control of the individual(s) that has established the BB. Some BB's are referred to as "open" and anyone can sign-up for membership and it be granted automatically. For these open BB's, membership is not usually required to view the various sections of the board, but the ability to make posts typically requires membership. Other types of boards might require that an individual sign-up for membership before they are allowed access to even view the posts/content of the BB. Some of these boards grant automatic membership when an individual signs up. Other boards, however, do not grant automatic membership and require that the individual(s) that are in charge of the board, referred to as "Administrator(s)," approve the membership requests. These types of bulletin boards are typically referred to as "private," "closed," or "restricted," bulletin boards due to the restricted nature of and requirements for board access. The requirements to become a member of these types of boards are entirely up to the board's Administrator and are not a pre-set feature of BB. In the case of bulletin boards that are focused on the advertisement, production, and/or distribution of child

pornography, some common requirements to become a member would include prior personal knowledge or experience with the applicant, a current member's personal knowledge or experience with an applicant, the distribution of child pornography to the current members by the applicant in order to confirm the applicant is not law enforcement, or the production and distribution of new child pornography to the current board membership.

21. Normally, a BB will contain a section that outlines acceptable conduct by board members as well as any general rules. This section is generally located near the top of the BB when viewed in a web-browser and is accessible by all board members. In these sections, members are usually informed of what can and cannot be posted onto the bulletin board, dispute resolution, requirements for various levels of membership, requesting/directing posts to be kept "on-topic" in a particular thread or forum, and other similar guidelines. In the case of bulletin boards that are focused on child pornography, security information and recommendations will also normally be found. Depending on the size of the BB and the frequency with which new members join, there will exist a section that allows new members to introduce themselves to everyone else without creating unnecessary postings in the other areas.

22. Communications on a BB are typically divided into forums, sub-forums, threads, and posts, depending on the structure of the individual board software and how that software is configured by the individual or individuals responsible for establishing and maintaining the BB. Individual forums, sub-forums, and threads can have separate topics or titles, in order to allow individuals viewing the bulletin board a method to quickly identify information of interest. A forum could be considered the largest grouping of information related to a specific topic. For instance, a bulletin board that was created for the discussion of automobiles might only focus on a specific make of automobile, such as "Chevrolet". Individual forums within that single BB might deal with specific models, such as "Camaro", and sub-forums within that might focus on specific aspects of that particular model and be titled "Engine", "Suspension", "Maintenance", "Racing", or any other topic/title that is created by the BB subscribers. Individual threads (or conversation strings) are generally the most specific and individualized component of a bulletin board and are generally able to be created by members of the BB in order to either ask questions of or provide information to other members.

23. When a member creates a post on a BB, the post will either be the first post in a new thread created by the member

or a reply to an existing series of posts in an existing thread. The information contained in either type of post can include text, an imbedded file (depending on how the bulletin board is configured), or hyperlinks to external third-party data hosting locations, including places such as rapidshare or imagevenue. In addition to the information provided within the post itself, information about the member creating the post and when the post was created is typically visible. The BB software will also maintain records or logs of postings created. Information contained in these logs normally include a unique member identification number, the full or partial Internet Protocol (IP) address utilized, date/time/time zone, post location within the bulletin board, content of the post (to include external links), links to embedded/attached files, in addition to other information.

24. A typical feature of BB's includes the ability to send private messages, or PM's, to other board members. These private messages are only visible to the board members participating in the exchange and are not typically visible even to the person who created the bulletin board. Some BB's will notify a member that they have a new private message by sending them an electronic mail (e-mail) alerting them to the new message. This e-mail may or may not contain the actual

contents/message depending on the bulletin board settings and configurations.

**UNDERLYING INVESTIGATION PERTAINING TO
THE BULLETIN BOARD "THE DARK MOON," AKA "DMOON"**

25. Based on Affiant's knowledge and experience and on information received from SA Dalmuth and other law enforcement officers as set forth below, he has learned the following:

a. During 2012 and 2013, law enforcement executed numerous residential search warrants in connection to the bulletin board (BB) known as Kingdom of Future Dreams (KOFD). KOFD was created by Paul Wencewicz of Polson, Montana, and was a board that allowed members to advertise, distribute, receive, and view child pornography. Wencewicz was known as Dreamer on the KOFD BB. After obtaining and executing search warrants on residences in connection with KOFD, Superboy (Tony Bronson), Father48 (Charles Crosby) and GrouchoMarxist (Phillip Morris) gave law enforcement consent to access an additional bulletin board called The Dark Moon, aka Dmoon via their user accounts. During this investigation, law enforcement learned that several other KOFD members were on DMOON, including Dreamer, Diopter22 (Steve Humiston), EternalPhoenix (Joseph Purificato), Cougar (Robert Krise), and Slade/Scorres (Jeffrey Noennig).

b. Investigation revealed that DMoon was maintained on a server in the United Kingdom. During April 2013, the FBI worked with United Kingdom law enforcement (i.e. Northumbria Police) in preserving the contents of the Dmoon BB and obtaining its contents. An initial review of DMoon shows that the board allowed users to post preview images depicting child pornography, along with url links to third party hosts so that members could obtain additional images of child pornography. Members were permitted to comment on the images and links that were posted.

c. The Board Index of DMoon shows it was broken up into various forums and subforums, laid out (in part) as follows:

Information

Rules - Please read the rules

Announcements - Latest Information

Feedback - Comments, Question, Problems & Ideas

Introduction - Take a second to introduce yourself

Away Messages - If you are away for a while let us know

Private Area - Your posts in this category can only be viewed by yourself and staff members

My Applications - You want to get promoted? Post your application here

My Scratchpad - Testing and other stuff no one cares about

Discussion

General - General conversation, off-topic, whatever you like

...

Security - any software or tips to stay safe in our hobby

How To - Useful tutorials - Subforum: Use Russian Image Hosts

Help Center - Need help with hardware, software, etc, ask here

Members Area (NN)

Discussion - Picture of the Day

Index's

Studios

...

Image Galleries

...

Advanced Members Area (Nude)

Discussion - Subforum: Picture of the Day

Index's

Studios

...

Other Models/Studios

Content which doesn't fit any of the above studios

Image Galleries

Amateur & Candid

Nudism/Naturism

Webcams

...

Requests - Can't find a set or a video? Ask here

Trash

Secret Zone

...

Staff

Staff Talk

Moderation - Subforum: Trash

Administration - Subforums: Trash, How To, Name Changes

26. The "Rules" posted on September 29, 2011, under the Information section provide in part as follows:

1. Content
 - a. No hardcore!

- b. No males of any age (no hands/fingers either) in posts.
 - c. Nothing younger than 4 years, nothing older than 15 years.
The age limit is a general rule, girls younger or older can be posted if they are part of a Lolita studio e.g. if a set needs a older or younger girl to be posted to complete it then that is fine.
....
2. Posting
-
- c. Your uploads need to be password-protected, i.e., encrypted file names are mandatory which means ZIP files are not allowed. Content which is not properly protected will be removed.
 - d. Do not change http:// to anything else to prevent hotlinking, all links posted go through anonym.to automatically.
....
 - g. Image hosters
Allowed: Radikal.ru, youpic.su, fastpic.ru, pixs.ru
....
 - h. Post in English so that everyone has a chance to understand you. In the chat you can use any language you want.
 - i. You must add at least 1 preview image of the content that you post
 - j. Not posting any content appropriate to the group you're in for more than 4 weeks will get you demoted...
3. Keep it private
- a. Do not post the board URL on public sites like open forums, chans, etc.
 - b. If you know a person who could be a good addition to the board, please contact the administrators.
4. Not following any of the above rules might get you demoted, temporarily or even permanently banned.

27. Under "Studios" in both the "Members Area" and "Advanced Members Area," numerous studio names associated with child pornography and child erotica were listed. For example,

in the "Advanced Members Area," the subforums listed under "Studios" included (but were not limited to): Acrobat Nymphets, Amateur Preteens, BD, Dark Collection, Little Virgins, LS Models, Fantasia-Models, Paradise-Birds.net, Preteen Pussy, Smallest-Pussy, Virgin Pussy World, Video-Lolita2, and Wild Nymphets. When clicking on the various studio sub-forums, FBI SA Kevin Damuth found child pornography that corresponded to the studios/companies involved. For example, when clicking on "Preteen Pussy," SA Damuth saw a post with an image of a naked, prepubescent female standing up, exposing her pubic area for the camera. An emblem in the upper left hand corner of the image reads, "Preteen Pussy." When clicking on "Fantasia-Models," SA Damuth saw images of what appears to be a prepubescent girl named "Cejas" known by law enforcement to be associated with the entity "Fantasia Models." In the images, she is standing in a shower with white, wet, see-through underwear. One image depicts a close-up shot of her vagina, which is visible through her see-through, wet underwear.

28. The "Members Area" included numerous studios as well, including, but not limited to, "Candydoll," "Child World," "Dream Girl," "Kid Models," "Playtoy," and "Vlad." SA Damuth found child pornography in this area, including images of "slips" and "see throughs" exposing children's genitals. For

example, on May 10, 2012, the user Skatch started a thread titled, "Cutie latest set - 139, 140, and now 141" in the studio subforum "Art Modeling Studios" of the "Member's Area." He made several comments in this thread, including on May 27, 2012, where he stated: "Here is this weeks new set. Only a couple of slips and no stockings but it is a see-thru thong and she shows plenty of arse so I'm a happy bunny." Attached to the post were two pictures. The first image depicts a minor female with little to no breast development laying on her back and propped up on her elbows. She is wearing a black bra and a see-through black-lace thong, exposing her genitals and some pubic hair through her underwear. Moreover, the sides of her genital area are exposed outside the underwear. The emblem "Cutie Model" is seen at the bottom of the picture.

29. The second image depicts the same minor described above wearing black thong underwear and a black bra. She is on all fours and is exposing her buttocks and genital area towards the camera. The sides of her genital area are seen outside the thong underwear. The emblem "Cutie Model" is at the bottom of the picture. In response to the new images posted, several members thanked Skatch and at least one member asked about "more updates from this cutie."

30. In analyzing the Dmoon BB, investigative efforts to date have revealed several members who were involved in the advertising, distributing, receiving and/or accessing with intent to view child pornography and the conspiracy to engage in such conduct.

INVESTIGATION OF NIKKI1

31. The following information was provided to your affiant by SA Dalmuth:

a. Nikki1, became a member of Dmoon on 11/7/2012. The email address on Dmoon associated with Nikki1 is fourteenousandfeet@hotmail.com. Nikki1 was an advanced member on Dmoon and last visited the bulletin board on April 19, 2013. During the above time frame, Nikki1 was involved in communicating with other Dmoon members.

b. On April 17, 2013, Nikki1 started a thread (# 4429) in the Amateur & Candid, Webcams subforum for the "Advanced Members Area" stating as follows:

skype hottie

<http://rapidshare.com/files/563522376/Skype.rar>

c. Included with the above were six preview pictures. Each of the six pictures appears to contain the same prepubescent female. In three of the pictures the child is seen

wearing a blue colored shirt and white socks. Her legs are spread exposing her naked genitalia. In two of those pictures, she is seen using her right hand to insert what appears to be a pencil in her anus. In the other picture, her legs are spread exposing her naked genitalia and she is seen using her right hand to insert what appears to be a pink colored highlighter in her anus. In response to Nikkil's post, several members thanked him. Moreover, on April 18, 2013 Smooth replied to the "Skype Hottie" title of the post by stating, "yes I would agree with that :)" "

d. On February 11, 2013, Nikkil started a thread (# 3706) titled "3 Lolitas from many Moons ago :)" in the "Requests" forum of the Advanced Members Area. In his opening post he stated, "Does anyone have these 3 set's? [sic] ..I know this is 'ksenia' from Preteens Heaven, ...the Little Angels & Lolitas Factory set's [sic] I don't know the setnames. Thanks, Nikkil." Attached to the post were three images of prepubescent girls. In the first image, a naked prepubescent girl with a yellow bow in her hair is leaning back on what appears to be a white sheet or hammock. Her right hand is holding the stem of a flower. Her legs are spread, exposing her vagina. In the upper left hand corner and lower right hand corner of the image, is a "Preteens Heaven" emblem with a small picture of a nude,

prepubescent girl sitting down with her legs spread, revealing her vagina. On February 12, 2013, Smooth replied, "you do seem to like this request forum" and attached a url. That same date, Nikkil replied, "I didn't think I would ever find these set's [sic].. Thank you Smoothy"

e. On December 2, 2012, Nikkil started a thread (# 3185) in the "Random" subforum for the "Advanced Members Area" stating as follows:

Lunar pix

Here are some of my pictures: 😊

<http://rapidshare.com/files/4182139974/>part1.rar

<http://rapidshare.com/files/1982909397/>part2.rar

<http://rapidshare.com/files/115486787/1>part3.rar

f. Four preview pictures were also included. Each of the four preview pictures contains female children. One of the preview pictures is titled "Nudz". The picture shows a naked prepubescent female standing in a market setting with two clothed adult males in the background. The picture is taken from the child's head to the top of her knees. She is holding a towel in her left hand and her chest and arms contain various body paint markings. Her genital area is exposed. Another picture titled "Photo" contains a prepubescent female. The picture has the word "Merek" in the bottom left corner and the words "Lolita in Europe" in the bottom right corner. The

picture is taken of the child from her head to the top of her knees. The child is wearing a red colored dress which she has raised above her waist exposing her naked genitalia. Several members thanked Nikkil for the images and other members provided comments.

g. On May 14, 2013, the FBI served Microsoft with a subpoena to provide subscriber information for the email account of fourteenthousandfeet@hotmail.com. On June 12, 2013, Microsoft responded to the above subpoena. The subpoena results reflected the account as having been created on 7/7/2012. The results also included, amongst other things, the IP logs. Two of the IP addresses provided were 98.16.183.127 and 98.19.47.59 assigned on 7/7/2012 at 4:16:34 PT and 1:36:26 PT, respectively.

h. On July 9, 2013, the FBI served Windstream with a subpoena to provide subscriber information for the IP addresses 98.16.183.127 and 98.19.47.59 assigned on 7/7/2012 at 4:16:34 PT and 1:36:26 PT, respectively. On August 2, 2013, Windstream provided, amongst other things, the following subscriber information:

Username: jgus@windstream.net

Name: James Gustafson

Address: 1815 W 11th Street, Hastings, NE 68901

Telephone: 402-462-9887

Start Date: 3/20/2008

Account Status: Active

32. On January 31, 2014, SA Lenz conducted surveillance near the location described in Attachment A. SA Lenz noted a gray GMC Sierra displaying Nebraska license plate 149218 parked in the driveway of the residence that was registered to James Gustafson and David Gustafson at the location described in Attachment A.

33. On February 20, 2014, SA Lenz conducted records checks utilizing the Nebraska Criminal Justice Information System (NCJIS). NCJIS revealed James Gustafson, David Gustafson, and Tony Gustafson possessed a valid Nebraska drivers licenses displaying an address of 1815 West 11th Street, Hastings, Adams County, Nebraska.

34. On February 21, 2014, SA Lenz conducted surveillance near the location described in Attachment A. SA Lenz noted the GMC Sierra as previously mentioned in the driveway of the residence along with a gold Chrysler Fifth Avenue displaying Nebraska license plate 14T500 that was registered to Tony Gustafson at the location described in Attachment A.

35. On February 25, 2014, SA Lenz conducted a check of the Adams County Nebraska Assessors internet website which revealed

James Gustafson as the owner of 1815 W 11th Street, Hastings, Nebraska

CONCLUSION

36. Based on the aforementioned factual information, your Affiant respectfully submits that there is probable cause to believe that a computer using an Internet account at the location listed in Attachment A, is involved in the possession, transportation, and distribution of child pornography. Your Affiant respectfully submits that there is probable cause to believe that a computer in the residence and/or using an Internet account subscribed to at the residence described above has violated 18 U.S.C. §§ 2251 and 2252. Additionally, there is probable cause to believe that evidence of criminal offenses, namely, violations of 18 U.S.C. §§ 2251 and 2252, are located in the residence described above, and this evidence, listed in Attachment B to this Affidavit, which is incorporated herein by reference, is contraband, the fruits of crime, or things otherwise criminally possessed, or property which is or has been used as the means of committing the foregoing offenses.

37. Your Affiant, therefore, respectfully requests that the attached warrant be issued authorizing the search of the premises described further in Attachment A and seizure and

searching of the items described further in Attachment B consistent with the procedure set forth herein.

38. Your Affiant is aware that the recovery of data by a computer forensic analyst takes significant time; much the way recovery of narcotics must later be forensically evaluated in a lab, digital evidence will also undergo a similar process. For this reason, the "return" inventory will contain a list of only the tangible items recovered from the premises. Unless otherwise ordered by the Court, the return will not include evidence later examined by a forensic analyst.

Further your Affiant sayeth not.



Philip Lenz
Special Agent
Federal Bureau of Investigation

Sworn to before me by telephone and reasonable electronic means:

Date: March 4, 2014.



Cheryl R. Zwart, United States Magistrate Judge

UNITED STATES DISTRICT COURT

for the
District of Nebraska**SEALED**

In the Matter of the Search of)
)
1815 West 11th Street)
Hastings, NE)
See Attachment "A" for further description)
)
)

Case No. **8:14MJ54****SEARCH AND SEIZURE WARRANT**

To: Any authorized law enforcement officer

An application by a federal law enforcement officer or an attorney for the government requests the search of the following person or property located in the _____ District of _____ **Nebraska**
(identify the person or describe the property to be searched and give its location):

1815 West 11th Street, Hastings, NE See Attachment "A" for further description

The person or property to be searched, described above, is believed to conceal *(identify the person or describe the property to be seized):*

See Attachment "B"

I find that the affidavit(s), or any recorded testimony, establish probable cause to search and seize the person or property.

YOU ARE COMMANDED to execute this warrant on or before _____*(not to exceed 10 days)*

☒ in the daytime 6:00 a.m. to 10 p.m. ☐ at any time in the day or night as I find reasonable cause has been established.

Unless delayed notice is authorized below, you must give a copy of the warrant and a receipt for the property taken to the person from whom, or from whose premises, the property was taken, or leave the copy and receipt at the place where the property was taken.

The officer executing this warrant, or an officer present during the execution of the warrant, must prepare an inventory as required by law and promptly return this warrant and inventory to United States Magistrate Judge

CHERYL R. ZWART, U.S. Magistrate Judge*(name)*

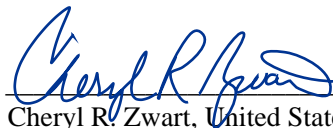
☐ I find that immediate notification may have an adverse result listed in 18 U.S.C. § 2705 (except for delay of trial), and authorize the officer executing this warrant to delay notice to the person who, or whose property, will be searched or seized *(check the appropriate box)* ☐ for _____ days *(not to exceed 30)*.

☐ until, the facts justifying, the later specific date of _____.

Sworn to before me by telephone and reasonable electronic means:

Date and time: 3/4/2014 3:15 pm

City and state: Lincoln, Nebraska



Cheryl R. Zwart, United States Magistrate Judge

Case No.:

Date and time warrant executed:

Inventory made in the presence of :

Inventory of the property taken and name of any person(s) seized:

I declare under penalty of perjury that this inventory is correct and was returned along with the original warrant to the designated judge.

Date: _____

Executing officer's signature

Printed name and title

ATTACHMENT A

1815 West 11th Street, Hastings, Adams County, Nebraska 68901 is described as a white colored single story residence with a two car attached garage. The numbers 1815 are displayed on the front of the residence to the right of the front door. A chain link fence mixed with some wood fence surrounds the sides and back of the residence. There is a small shed located behind the garage. The legal description from the Adams County Assessor's website is: "1598.00-PT LT7 & ALL LT 8 AS DESC DB164 P209 HILL TOP ACRES ADD BLK 3".



ATTACHMENT B

1. All visual depictions, including still images, videos, films or other recordings of child pornography or minors engaged in sexually explicit conduct, as defined in Title 18, United States Code, Section 2256, and any mechanism used for the receipt or storage of the same, including but not limited to:

2. Any computer, computer system and related peripherals, including data processing devices and software (including but not limited to central processing units; internal and peripheral storage devices such as fixed disks, external hard drives, floppy disk drives and diskettes, routers, computer compact disks, CD-ROMS, DVD, usb storage devices and flash memory storage devices, and other memory storage devices); peripheral input/output devices (including but not limited to keyboards, printer, video display monitors, scanners, digital cameras, and related communications devices such as cables and connections), as well as any devices, mechanisms, or parts that can be used to restrict access to computer hardware (including but not limited to physical keys and locks).

3. Any and all computer passwords and other data security devices designed to restrict access to or hide computer software, documentation, or data. Data security devices may consist of hardware, software, or other programming code.

4. Any and all documents, records, emails, and internet history (in documentary or electronic form) pertaining to the possession, receipt or distribution of child pornography or visual depictions of minors engaged in sexually explicit conduct, as defined in Title 18, United States Code, Section 2256, or pertaining to an interest in child pornography whether transmitted or received.

5. Any and all records, documents, invoices, notes and materials that pertain to accounts with any Internet Service Provider, as well as any and all records relating to the ownership or use of computer equipment found in the residence.

6. Documents and records regarding the ownership and/or possession of the searched premises.

7. Items observed in the images described in the body of this Affidavit.

8. During the course of the search, photographs of the searched premises may also be taken to record the condition thereof and/or the location of items therein.

9. If a determination is made during the search that items listed in Sections 1-8 are contained in the detached garage associated with the premise described in Attachment A, it will be necessary for investigators and/or assisting agents to search the detached garage to search and seize evidence listed in Sections 1-8.

10. If a determination is made during the search that items listed in Sections 1-8 are contained in motor vehicles and/or trailers registered to James Gustafson, David Gustafson, Tony Gustafson and/or any individual determined, through the course of the investigation, to be involved the activity listed in the affidavit on or near the searched premise, to include but not limited to the public street near the searched premise, it will be necessary for investigators and/or assisting agents to search the motor vehicles and/or trailers to search and seize evidence listed in Sections 1-8.